

The

Conservancy

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December 9, 2008

Mr. John Robertus  
Executive Officer  
San Diego Regional Water Quality Control Board  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Re: Complaint R9-2005-0265

Dear Mr. Robertus:

I am writing this letter in support of the approval of the Supplemental Environmental Project (SEP) in above titled case. The SEP has been proposed by The City of Escondido, The Escondido Creek Conservancy (TECC), and San Diego Coastkeeper.

TECC is a non-profit, public benefit, corporation, incorporated in 1991, dedicated to the preservation, restoration and protection of the natural open space within the Escondido Creek watershed. TECC believes the natural lands within the watershed are an irreplaceable natural asset with great community value. We support educational programs and compatible outdoor recreation within the watershed for the benefit of all residents of the area. TECC has formed alliances with landowners, government agencies, and education and community groups to increase awareness of the invaluable resources intrinsic to the Escondido Creek watershed. TECC's Board of Directors is comprised of committed local volunteers with expertise in business, science, land use planning, education, recreation, and restoration of natural landscapes.

The "preventative" benefits of this SEP are indeed significant. The best way to protect the water quality of Escondido Creek is to not pollute it in the first place. These acquisitions are part of a much larger effort on the part of San Diego County, SDCWA, Olivenhain Municipal Water District, the San Elijo Lagoon Conservancy, and TECC to protect the Harmony Grove/Elfin Forest reach of Escondido Creek. The quality of the impacted water flowing from the City

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of Escondido would then have a chance to naturally improve via the bio-filtering and aeration processes of an un-impacted stream system before entering the San Elijo Lagoon. Implementation of this SEP would contribute to the effort to ensure this is the case.

Since 1991 TECC has played a role in the preservation of over 1000 acres of open space in the Elfin Forest/Harmony Grove Core Habitat Area. TECC currently owns and/or maintains over 400 acres of dedicated open space. Preservation of habitat and natural open lands is TECC's primary strategy for impacting downstream water quality of the Escondido Creek, and the San Elijo Lagoon where the Escondido Creek terminates.

TECC was the interim owner of a 350 acre parcel adjacent to the Elfin Forest Recreational Reserve, a parcel now owned by the County of San Diego, known as the Del Dios Highlands County Park. TECC provided bridge funding of over \$2 million dollars for this acquisition. This particular parcel has many MSCP listed species in residence and, due to illegal grading activities by the prior owner, was annually contributing hundreds of cubic yards of siltation to both the San Dieguito River Valley and Escondido Creek.

TECC owns and manages several parcels within the flood plain of the Escondido Creek. On each of these parcels there are active restoration projects in place which further contributes to the overall health and water quality of Escondido Creek.

Natural lands acquisition may be TECC's primary strategy for impacting water quality in the Escondido Creek Watershed, but by no means, the only strategy. TECC has several public outreach and education efforts in place, including a sustainable development community education program funded by a grant from the San Diego Foundation, sponsoring manure management and composting demonstrations in cooperation with the Solana Center, and most recently TECC launched an exploratory effort to site a Southern Steelhead rescue hatchery on the Escondido Creek on TECC owned property. The Steelhead hatchery project, if successful, will introduce a bellwether species to the creek and further motivate residents and businesses in the watershed to improve water quality in the creek to ensure the viability of the program.

TECC believes that land use and water quality are critically related and we find support in our standards from such organizations as The National Academy of Science (Academy) and The National Resources Defense Council (NRDC). We call the Board's attention to the recent Academy publication, "Urban Stormwater Management in the United States" ([http://www.nap.edu/catalog.php?record\\_id=12465#description](http://www.nap.edu/catalog.php?record_id=12465#description)). This authoritative 624 page review offers a comprehensive look at stormwater permitting schemes, and takes as a principal tenet that conservation of natural areas is a prerequisite to avoiding water quality degradation. Below is an excerpt from NRDC's Storm Water Strategies-Community Responses to Runoff Pollution ([http://www.nrdc.org/water/pollution/storm\\_chap1.asp](http://www.nrdc.org/water/pollution/storm_chap1.asp)):

### **Preserving and Utilizing Natural Features and Processes Have Many Benefits**

Many communities and developers found management measures that rely on natural processes to be highly effective and efficient. Undeveloped landscapes

absorb large quantities of rainfall and snowmelt; vegetation helps to filter out pollutants from stormwater. These communities have benefited from implementing environmentally friendly alternative site design or "greeninfrastructure" by saving money and optimizing open space. Buffer zones, conservation-designed development, sensitive area protection, or encouragement of infill development all try to enhance natural processes and are among the most effective stormwater programs highlighted.

### **Work to Prevent Pollution First; Rely on Structural Treatment Only When Necessary**

Communities should focus on prevention-based approaches, through regional and watershed planning, local zoning ordinances, preservation of natural areas, stormwater-sensitive site design, widespread compliance with dumping and connection prohibitions, erosion prevention, and broad-based education as it is significantly more effective than treatment of polluted runoff. In areas already highly urbanized, structural treatment measures may need to be considered.

It is estimated by the County's Watershed Planning Division that natural lands account for about 10% of storm water run-off, while impervious urban lands account for over 55% of run-off accompanied by pollutants such as fertilizers and other common urban chemicals. Even in rural areas, where these SEP subject properties are located, development adds significant siltation and impervious lands to the run-off equation. While existing regulation by the Regional Board and the relevant stormwater co-permittees should prevent this type of degradation that has not been our experience.

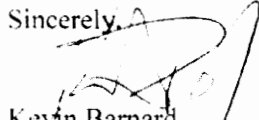
This SEP proposal involving the acquisition of over 13 acres of riparian and upland habitat (adjacent to Escondido Creek) does not serve to "organization build" for TECC. As mentioned above, TECC has been involved in the preservation of over 1000 acres in the Escondido Creek Watershed yet only holds about 400 of those acres. In many instances TECC has been a pass-through organization for transactions, acting as a holding agency while funds could be found to finalize acquisitions that ultimately were held by other entities, such as the County of San Diego (Del Dios Highlands County Park-see attached map). Who holds fee title or a conservation easement to these lands is not important to TECC, as long as the lands are properly preserved in perpetuity. We feel that TECC is uniquely qualified to hold these lands since we are a community based organization. This results in not only TECC staff and board members being vigilant to potential threats and impacts to these lands, but numerous local residents, also TECC members, actively volunteer with time and funds, and their own "eyes on" vigilance to protect these lands from any adverse impacts. A conservation easement over the parcels proposed in SFP is supported by TECC. The easement can be held by any third party, for instance, The City of Escondido, California Department of Fish and Game, or another non-governmental conservation agency, such as The San Elijo Lagoon Conservancy.

TECC is currently in various stages of direct acquisition of 160 acres in this same area, and is cooperating with other NGO's and local community organizations on acquisitions of over 2,000 acres of potential natural lands in the Escondido Creek Watershed.

The map below depicts the Elfin Forest/Harmony Grove Core Habitat Area through which the Escondido Creek flows. This map shows that there is a collective effort to preserve critical lands in this area by several different agencies, both governmental and non-governmental. It also demonstrates that the parcels proposed for acquisition in this SEP are part of an overarching strategy to preserve natural lands for the purpose of preserving and improving the water quality in the Escondido Creek.

I am aware that specific questions have arisen regarding the proposed SEP and would be happy to answer any that I can. We appreciate that any SEP must be carefully vetted by Board members to determine how funds are to be spent. After working with environmental partners, the discharger, and Regional Board staff for six months, we feel that this SEP is sufficient to send to Board members for their review. While TECC cannot now know whether there are existing easements on the properties to be acquired, it is TECC's understanding that there are no easements that would impede long-term conservation of the significant on-site resources. Nor do we believe that there are any significant water rights that would be affected by acquisition of the property.

Sincerely,



Kevin Barnard  
Managing Director  
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# Preserved Lands in Elfin Forest/Harmony Grove Core Area (Escondido Creek Watershed).

